



## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION MEETING MINUTES

#### REGULAR MEETING

JUNE 10, 2003

PRESENT: Acevedo, Benich, Escobar, Engles, Lyle, Mueller, Weston

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe and Minutes Clerk Johnson

Chair Acevedo called the meeting to order at 7:00 p.m.

#### DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### OPPORTUNITY FOR PUBLIC COMMENT

Chair Acevedo opened the public hearing.

With no one present wishing to address matters not appearing on the agenda, the public hearing was closed.

#### MINUTES:

May 27, 2003

#### **COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE THE MAY 27, 2003 MINUTES WITH THE FOLLOWING AMENDMENTS:**

Page 3; paragraph 8 ~~Commissioner Lyle remarked that there were 182 units for allocation, but he could find any for on going.~~

Page 4; paragraph 5 *Mr. Tichinin strongly indicated that the Planning Commission appears to place validity on the business dealings concerned with the sale and close of escrow of the property.*

Page 7; paragraph 9: *He countered Bruce Tichinin's implied allegation that Planning Commissioners were influenced by the escrow closing dates and other business issues. Chair Acevedo stated he had no personal knowledge of any of the business points or escrow conditions.*

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Page 8; paragraph 1: ~~General Plan~~ *site plan to meet the General Plan*  
Page 14; paragraph 2: ~~detected~~ *directed attention to*

**THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: BENICH, ENGLER; ABSENT: NONE.**

## CONSENT CALENDAR:

*The two items on the consent calendar were pulled for discussion and action.*

### **1) EOT-03-07/ (UP-02-03): TENNANT- SAFEWAY**

A request for a one-year extension of the conditional use permit approval granted for a 12-pump fuel center to be located on the south east quadrant of the intersection of Monterey Rd. and Tennant Ave. within the Tennant Station shopping center.

PM Rowe gave the staff report, explaining that the request was due in part to delays in working out the exit language of the Use Permit with the City Attorney's office. He said this issue had been finalized today. Also focus has been on the language of the CC&Rs, PM Rowe said, he had not been made aware if this had been resolved. PM Rowe said that information received regarding the timing for proceeding with the project point toward Safeway having the grocery store opened prior to the Thanksgiving holiday (2003) or continuing for a spring 2004 opening.

Commissioner Mueller clarified the location of the grocery store (which will abut the fabric store), saying the local newspaper had caused confusion in a recent article regarding the project.

PM Rowe linked with this subject as he described the drive aisle, which will connect to Vineyard. He continued by describing the planned construction on the 3/4-acre lot which will provide space for a 7,000 *sq. ft* office building where an existing real estate office will relocate. PM Rowe further clarified that the former Long's structure will be demolished, but the two-story building will remain. "In fact," he explained, "everything ~~west of the fabric store will be demolished~~ *east of the fabric store to the Vineyard Drive exit will be demolished.*"

Commissioner Weston questioned the dates presented by PM Rowe as a projection for the completion of the project. PM Rowe clarified that Safeway representatives report that the project should have the grocery store opening prior to the Thanksgiving holiday 2003 as the holidays are prime times for sales. If that date is not met, the business plans to continue with the use permit for a spring 2004 opening. Commissioner Weston then inquired about the office building. PM Rowe and Commissioner Mueller explained that the office building was for the relocation of an existing business (real estate) in the complex. Commissioner Mueller made clear that the demolition of existing buildings and construction of the new buildings must be timed ~~so that the subject of enough parking are met~~ *to meet parking requirements.*

PM Rowe reminded that the project has been in 'limbo' because of the language of the exit clause required by the Planning Commission dealing with the successful operation of the fuel station. He reiterated that this matter has been resolved through the efforts of the City Attorney's office.

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Commissioner Weston asked why, since the troublesome issue has been resolved, and Safeway intends meeting their announced planned opening of November, 2003, a one-year extension was requested? PM Rowe responded that one-year have typically been the norm for extensions for use permits.

Commissioner Engles asked why the one-year is necessary? PM Rowe clarified that the use permit originally issued expires this week and there are issues connected with the commencement date. He stressed that Safeway representatives have indicated they do not plan to wait another year, but need some wiggle room and the one-year extension would provide that time. PM Rowe maintained that the terms of the use permit require that the grocery store must have the framing inspection completed before the fuel station can begin construction. He said that probable 60 – 90 days could be a logistical problem. Safeway officials, he said, have specified that once the language issues of the exit clause and the CC&Rs are completed, they anticipate 'full steam ahead' on the project. PM Rowe said again that the intentions of the Safeway corporation personnel that once the language is resolved, the 'road blocks' removed, they will be underway.

Commissioner Lyle asked when the widening of Tennant Ave. is projected for completion? [November, 2003].

Chair Acevedo opened the public hearing.

With no members of the audience indicating a wish to speak to the matter, the public hearing was closed.

Commissioner Benich said he doesn't have a problem with the request for the one-year extension, adding that to have a lesser amount of time might prove to be a waste of time. "However," he continued, "I do have a problem and a big objection to the request for the waiving of the \$991 fee for processing the extension." PM Rowe assured the fee is not at issue.

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 03-39 APPROVING AN AMENDMENT TO RESOLUTION NO. 02-28 TO ALLOW FOR THE OPERATION OF A 12-PUMP FUEL CENTER AND KIOSK TO BE LOCATED ON THE NORTHWEST CORNER OF THE TENNANT STATION SHOPPING CENTER FOR A ONE-YEAR EXTENSION OF TIME. COMMISSIONER BENICH SECONDED THE MOTION, WHICH PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER; NOES: ENGLES, WESTON ABSTAIN: NONE; ABSENT: NONE.**

*Commissioner Weston was excused for the next item of business due to a conflict of interest.*

A request for an extension of time on a conditional use permit for a mixed use located at 20 Keystone Ave in the CC-R, Central Commercial Residential zoning district.

**2) EOT-03-08/  
(UP-01-02):  
KEYSTONE-  
MARTIN**

PM Rowe presented the staff report, calling attention to Section 18.54 of the Municipal Code which indicates that a use permit shall expire one year after its approval. That section, he said, also allows for the extension(s) of use permit approvals so long as the

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terms of the request for extension are met. The Commission at the June 26, 2001 meeting had approved this use permit. In 2002, PM Rowe said, the applicants had indicated that they had been unsuccessful in securing necessary funding for the project and had been granted a one-year extension which extended the deadline for commencement of the project to June 26, 2003. Now, the applicants are requesting a second extension because of continuing financial difficulties. However, PM Rowe detailed, the applicants report that they have recently had the drawings completed and are 'ready to go' but are out of time.

Chair Acevedo called attention to the letter from the applicant, specifically the last part of the document which refers to a 'hesitancy'. "Do the applicants have the confidence level to go forward with the project?" he questioned. Commissioner Lyle commented that he intended raising that same issue, indicating the applicants appear very nebulous about continuation. PM Rowe rejoined that staff understands the applicants desire to continue with the project, but the difficult economic times have played a major role in the continuity of this venture.

Chair Acevedo opened the public hearing.

With no persons present indicating a wish to speak to the matter, the public hearing was closed.

Commissioner Lyle reminded that this is the second request for a one-year extension, and the applicants indicate hesitancy for proceeding.

Commissioner Engles said the caution is clearly tied to the current economy.

Commissioner Mueller asked if there is any harm in giving a second extension? [No]

Commissioner Engles referred to the extension given in agenda item one as he expressed concern for supporting a local business endeavor. "We need to support these applicants in their time of hardship," he said. "This Commission just voted an extension for a large corporation that has not demonstrated its' worthiness," he concluded.

Chair Acevedo ascertained that the Planning staff is not vastly concerned with the indication of hesitancy indicated in the letter from the applicants. PM Rowe said the applicants have stated (verbally) that the project is progressing. He also stated that if the Commissioners have heightened concern, they might want to consider the recent for a use permit extension request (EOT-03-06: McLaughlin-Jones) which included the following language in the adopted Resolution: "*including the provision for a review of the timeline denoting expectations of action*".

Commissioner Engles said these are two local businessmen who would already have completed the project if the economy had allowed.

Commissioner Escobar indicated diffidence in proceeding, suggesting a continuation might be in order as the applicants were not present. "If they could speak to the matter, it might give us a better handle on how best to proceed," he said.

Chair Acevedo asked each of the Commissioners' opinions on the matter, saying he

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wanted the record to be very clear should there be a need to look back on this request.

Commissioner Benich said he had no problem with the extension.

Commissioner Lyle expressed the thought that it would be nice to put some other conditions or checkpoints on the request, if granted, as it would not serve the Commission well 'to have to go through this again on June 10, 2004'.

Commissioner Engles communicated his distress that there was discussion of 'strings' on this request when no conditions had been placed on the Safeway request of time for extension.

**COMMISSIONER ENGLES OFFERED RESOLUTION NO. 03-40, APPROVING A ONE-YEAR EXTENSION OF TIME TO CONDITIONAL USE PERMIT APPLICATION UP-01-02, ALLOWING THE ESTABLISHMENT OF A MIXED USE RESSIDENTIAL/OFFICE STRUCTURE AT 20 KEYKSTONE AVENUE IN THE CC-R, COMMERCIAL RESIDENTIAL ZONING DISTRICT. THE MOTION WAS SECONDED BY COMMISSIONER MUELLER AND CARRIED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT, AND WESTON WAS ABSENT.**

*Commissioner Weston rejoined the meeting at 7:32 p.m.*

### **OLD BUSINESS:**

**3) SD-03-02/  
DA-03-03: HALE-  
GARCIA**

A request for approval of a 12-lot subdivision located within the Capriano project located on the west side of Monterey Rd., east of Hale and south of Tilton Ave. Also requested is the approval of a development agreement for the phase V of the Capriano project.

This development agreement covers a 12-lot subdivision which requires the award of allocations from the 2002 Measure P competition, PM Rowe said in giving the staff report. He said that best projections are that the Measure P process will be concluded on July 2, recommending that the proposed development agreement and subdivision application be continued to the July 8, 2003 agenda.

Chair Acevedo opened the public hearing.

There were no persons present to address the matter.

**COMMISSIONERS MUELLER/LYLE MOTIONED TO CONTINUE SD-03-02 TO JULY 8, 2003. THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.**

### **NEW BUSINESS:**

**4) GPA-02-08/  
ZA-02-20:  
MONTEREY-  
PINN BROTHERS**

A request to change the General Plan Land Use designation on the two westernmost parcels of the project site (APNs 767-23-025, 002), consisting of 6.23 acres, from Multi-Family Medium to Multi-Family Low, and change the zoning designation from R3 to R2 Medium-Density Residential to maintain consistency with the proposed General

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Plan Land Use designation. The Commercial General Plan and zoning designations are proposed to remain the same for the easternmost parcel (APN 767-23-001), consisting of 3.45 acres. The project site consists of three contiguous parcels totaling 9.68 acres located on the west side of Monterey Rd., north of Watsonville Rd. and south of West Edmundson Ave.

PM Rowe explained this is a dual issue: a request for rezoning from multifamily medium density to multifamily low density *and* adjustment of a boundary line between the residential and commercial areas of the property. PM Rowe noted that staff concerns include the reduction in the R3 (higher density housing) because the state looks at this designation as 'affordable housing' and the City needs to have an adequate amount of affordable housing to meet the requirements of the Housing Element.

PM Rowe called attention to a recently completed internal audit of available lands that indicates that there are currently 30 acres of R3 zoned acres and 201 acres of R2 zones areas remaining vacant in the City.

Commissioner Mueller asked for the location(s) of the 30 acres of R3 land? He expressed disquiet that while the (proposed) Courthouse site is now zoned R3, it certainly is not available for housing construction. PM Rowe agreed, and called attention to the electrical substation which is also zoned R3, noting that it is unlikely that will be available for development in the foreseeable future as the electric company has not indicated they intend to build a new substation and remove the existing one. PM Rowe said that there is an anticipated General Plan change which will be heard by the Planning Commission in September which will change the Courthouse location to 'Public Facility' zoning. "Consequently, Commissioner Mueller is correct," PM Rowe said. "But even though there is not actually 30 acres available for development, we will pick up some in the downtown area – the Sunsweet site, for example – and there are others. Some sites may retain the R3 zoning and be made compatible with the General Plan."

Commissioner Weston inquired about the proposed adjustment of the boundary line. "Would that make it possible to use the existing exit to Vineyard?" he asked. PM Rowe responded that it could be a condition on the property to require this type of circulation pattern. Commissioner Engles commented that it would need a reciprocal easement agreement to achieve the aim Commissioner Weston noted.

Commissioner Weston asked if the existing commercial buildings would remain on the site? PM Rowe said the submitted plan calls for everything at the front of the property to be demolished, with new construction and parking in the rear of the new buildings.

PM Rowe went on to explain that the plans call for retail/office/commercial sites, noting that part of the property is zoned general commercial now. He made the Commissioners aware of the Monterey Road commercial corridor where retail establishments are clustered at the major intersections. "In between those intersections," he said, "are the general retail/commercial uses. This plan before you indicates the intent to develop the property with two commercial buildings facing the street and a parking lot behind them to the rear."

Chair Acevedo opened the public hearing.

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Vince Burgos, 352 So. Eagle Nest Lane, Blackhawk, gave a brief history of the project to this point. He said that the project had been submitted through the Measure P process two years ago, but did not score well. The original plan was to have been a PUD, but that was revised because of its low score during the Measure P competition. Mr. Burgos spoke on the feathering/transitional aspects of the project planning which the applicants hoped would enhance the plan. He continued on the difficulty of meeting the City requirements for heights, distances, and density – when compared to other currently existing projects in the City, those issues are difficult to resolve, he said. Mr. Burgos gave examples of the architectural variations necessary to meet the set-backs, adding that the Planning staff appears to appreciate the issues involved in the planning of this project.

Commissioner Engles asked details of the location of the property and the status of the ownership. Mr. Burgos replied that the frontage is dedicated commercial, and that there is mixed use of multifamily residential on the remaining. He stated that his firm is working for the Pinn Brothers applicants.

Commissioner Lyle referred to statements by Mr. Burgos when he had spoken of the difficulty in meeting the height restrictions (30-foot heights) asking Mr. Burgos to clarify this matter. Mr. Burgos replied that since closed parking is desirable, the (living) units would have to be built above the garages, which would necessitate having 2 – 3 stories of living space for a total height of at least 35-feet for the buildings. Mr. Burgos continued that other issues of impact: clustering, parking, and the need for flexibility for the density requirements are important, too.

William Currie, 225 LaAqua Ct., informed Commissioners of the location of his house in relation to the discussed project. He thanked staff for the cooperation in keeping him informed of the project through notices. Mr. Currie said he would like to see reduced density in the site. He then stated that he feels strongly that the project must be directed to home ownership and not have rentals.

Chair Acevedo explained the mixed-use, multipurpose housing features of the plan.

Commissioner Weston asked the speaker if he liked all the trees on the property, and if he would like to have those trees retained? Mr. Currie said he liked the trees, then called attention to the large number of wildlife which are housed in the trees.

With no others indicating a wish to address the matter, the public hearing was closed.

Commissioner Mueller presented a GIS map of the City, saying this request involves a General Plan issue. He pointed to the areas of the map where existing R3 zoning exists, and elaborated on the salient points of each. Commissioner Mueller also noted that the substation and the R3 zoned property (which is designated for a convalescent hospital) near the City office complex are not available *for R3 development due to current use*. He also said that the R3 property at Butterfield and Juan Hernandez is not *ready for R3 development due to the lack of nearby services, including lack of bus service*.

PM Rowe said that one of the issues here is that the zoning on APNs 767-23-025, 002 is inconsistent with the General Plan. This property was zoned and designated R3 in the

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previous General Plan, he said, and now the current General Plan must be changed. PM Rowe further clarified that some sites, such as those downtown, may be put into the R3 inventory, but those will be future decision.

Commissioner Mueller emphasized that one of the problems is that if a change in the zoning is not right for the inventory needed for the housing element, more issues could result.

Commissioner Engles left the meeting at 8:05 p.m. and returned at 8:08 p.m.

Commissioner Mueller commented that it will be less than two years before development back-fill is completed.

Commissioner Lyle said that *with respect to* the competition process, if the time has come to build condos, it may be time for set-asides.

Commissioner Mueller asked Mr. Burgos the difference in price in the affordability of the R3 and R2 housing.

Mr. Burgos said that the multihousing in R3 is priced below the R2 price range which is generally – in the City – from \$400,000 to \$650,000.

Commissioner Mueller said he remembered that the \$400,000 was the lowest price in the last competition.

Commissioner Lyle indicated his feeling that because this property is zoned R3, he felt it would be better to leave it as R3 and look at doing the set aside in the next Measure P competition.

Chair Acevedo said he takes the opposite view, recalling the discussions in the General Plan Task Force meetings regarding ‘feathering’ to achieve City goals. He suggested that probably it would be well to do an inventory east of Highway 101, saying that maybe the staff could look at the potential in those locations for higher density.

Commissioner Mueller said that the problem still exists of compliance with the General Plan.

Commissioner Lyle agreed, adding that the City does have a housing element problem, as well. The City needs to update the General Plan, he said, and increase affordable housing. Commissioner Lyle also commented that it’s not easy to designate R3, remarking this is an ‘ideal site’, and would also serve well as a site for a senior center or senior housing as it is close to transportation and shopping. Commissioner Lyle continued, saying that the City now has 30 acres of R3 and would lose seven acres if this request is approved, adding that there are currently 200+ acres of R2. “I see no sense to increasing the R2 and reducing the R3,” he said. With respect to criteria, Commissioner

Lyle said, in the new Measure P proposal, there are ‘lots of changes which will help this type of project to compete more favorably’. Commissioner Lyle concluded: “I’m against changing this property from R3. It is badly needed.”

Chair Acevedo cited the South County Housing Authority projects, questioning the prior



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zoning of the two projects.

PM Rowe clarified that the zoning for the South County projects had not changed, but informed that the project received credits for the units since 1999. He reminded that the state looks at the potential development prospects.

Commissioner Weston in a question addressed to Commissioner Lyle, asked if he were not in favor of the set aside, and yet with the criteria set presently, applicants could not garner the maximum number of points in housing types.

Commissioner Lyle responded that the Commissioners should have included R3 in the criteria. There is not a clear cut case, he said, that R3 projects would not compete well.

Commissioner Weston asked Mr. Burgos the percentages of R2 and R3 within the project? Mr. Burgos said that according to the master plan developed for the PUD, 25% would be R3.

Commissioner Benich said this piece of property presents a real dilemma for him. It seems ideal as R3 but there has been failure to produce criteria for good competition. Commissioner Benich noted that he disagreed with Commissioner Lyle's assessment. To Mr. Currie, Commissioner Benich said, "I can sympathize, but the City is 'under the gun' from the state to provide affordable housing." He asked Mr. Currie to 'please, be sympathetic for our plight'.

Commissioner Lyle said that just because there has been failure by the Planning Commission {to set proper criteria}, he was not in favor of changing this property to R2.

Commissioner Weston said he believes that the R3 provides too much density, saying he thinks there should be some R2 so there is a better mix and the project becomes more competitive. "I would flip the percentages," he said, "giving 25% to R2 and the remainder to R3." Commissioner Weston noted that he agrees that this is a place for R3.

Discussion between the Commissioners, Mr. Burgos, and staff ensued regarding the financial feasibility of having the percentages of R2 reduced. Mr. Burgos stated there is a need for 'softening the transition area', adding that if the entire property is R3, there must be movement of the requirements for heights, density, and so forth as discussed earlier.

Commissioner Escobar said he would be concerned at losing the density at this site *without* an area for exchange. He stated that retaining the zoning as now exists would be good, recognizing the need to change the General Plan.

Commissioner Lyle asked why the applicants can't do with a lesser amount of R2 where a minimum number of units would be needed?

Mr. Burgos said it would be OK for the applicants to change.

Commissioner Lyle said the transition agreement not valid within a property.

Commissioner Mueller suggested it would be best to approach the location as R3 as

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there are two natural barriers – Llagas Creek and the mature trees. He said he thought it would make a great place for R3 homes in the City and could be priced at \$300,000. To clarify to Mr. Currie, he said, this would provide home ownership. Continuing, Commissioner Mueller added that it would address the issue of the housing element.

**COMMISSIONER MUELLER MOVED ADOPTION OF THE MITIGATED NEGATIVE DECLARATION. THE SECOND WAS MADE BY CHAIR ACEVEDO AND CARRIED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.**

**COMMISSIONER ENGLES OFFERED RESOLUTION NO. 03-41 RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT, GPA-02-08: MONTEREY – PINN BROS AMENDING THE LAND USE DESIGNATION FROM MULTI-FAMILY MEDIUM TO MULTI-FAMILY LOW ON A 9.68 ACRE SITE LOCATED ON THE WEST SIDE OF MONTEREY ROAD, NORTH OF WATSONVILLE ROAD AND SOUTH OF WEST EDMUNDSON AVENUE. THE MOTION WAS SECONDED BY CHAIR ACEVEDO. THE MOTION WAS DEFEATED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, ENGLES; NOES: BENICH, ESCOBAR, LYLE, MUELLER, WESTON; ABSTAIN: NONE; ABSENT: NONE.**

Commissioner Weston asked if there was interest in changing the zoning from the present designation to 75% R3 and 25% R2, and including the boundary line adjustment?

Commissioner Lyle reminded that Mr. Burgos has said there is a need for flexibility. Discussion followed regarding the boundaries of the property, including dialogue about the boundary line adjustment.

Chair Acevedo conducted a ‘straw vote’ on Commissioner Weston’s suggestion to have the staff work with the applicant change the zoning to 75% R3 and 25% R2, and including the boundary line adjustment. (Acevedo, Engles, Weston) Or leaving the property in R3 (Benich, Escobar, Lyle, Mueller)

**COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO DENY THE REQUEST OF GENERAL PLAN AMENDMENT, GPA-02-08 AND DIRECTED STAFF TO PREPARE FINDINGS TO SUPPORT A NEW RESOLUTION WHICH WILL EMBODY THE PLANNING COMMISSION INTENT TO EXPLORE THE POTENTIAL FOR DEVELOPMENT WITH THE ZONING AND THE MEASURE P CRITERIA CURRENTLY IN PLACE. THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: BENICH, ESCOBAR, LYLE, MUELLER; NOES: ACEVEDO, WESTON; ABSTAIN: ENGLES; ABSENT: NONE.**

Commissioner Mueller commented that the applicant has a product, and the Commission’s intent is to hold the zoning so the maximum affordable housing is available.

Commissioner Weston clarified that his ‘no’ vote was based on a desire to have the plan work better; he said he feels this will cheapen the R3.

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**5) GPA-01-05/  
ZA-01-11/ANX-01-  
04: CLAYTON-  
MERLANO**

A request to change the Land Use designation on a 4.44 acre portion of a 5.19 acre parcel from Rural County to Single Family Low Density Residential. Also requested is annexation to the City and a zone change from County A-20, Agricultural to City R-1 (20,000) on the 4.44 acres. The property is located on the easterly side of Clayton Ave., south of Peebles Ave.

PM Rowe presented the staff report, saying this is an unusual property as it is within the City's Sphere of Influence and also within the City's Urban Line, but does not have urban designation. It was originally a subdivision developed under County rules, then taken into the Sphere of Influence area and presents a logical extension of the City limits.

Chair Acevedo asked if any of the property – or those surrounding – are in agricultural use now? PM Rowe said there is a nursery operation which adjoins the site. Commissioner Weston asked if pesticide spraying occurs at the nursery operation? Commissioner Engles said the plants grown are all in small containers and are marketed that way. Commissioner Weston thought that 'odd'.

Commissioner Engles said the road lines were drawn when the Madrone Business Park was developed, and asked if the roads will be cul-de-sacs? PM Rowe informed that full cul-de-sacs are in place presently.

Commissioner Mueller expressed dismay at the plantings at the detention ponds, saying that City staff needs to monitor the area.

Chair Acevedo opened the public hearing.

George Merlano, 330 Peebles Ave., the applicant, emphasized that the cul-de-sacs have been built.

Commissioner Lyle asked if Mr. Merlano owns the house which exists? [Yes] He further questioned if there is intent to attach that house to the City sewer system? [Yes] Commissioner Lyle stated that when this area started to develop, the City wanted to have the sewers in place. He continued that there should be language in the Negative Declaration which would specify that existing and future development(s) must attach to the sewer. Commissioner Lyle's idea would be to place restriction(s) on the property to ensure the action.

PM Rowe assured that all future homes must attach to the City sewer lines, and reiterated that the applicant has announced his intention with the existing house.

Commissioner Lyle asked if it could be assumed that the sewer lines are large enough to have homes to the west attached as well? [Yes]

Furthermore, PM Rowe said, the lines were placed with the future development of the area considered.

Commissioner Engles left the meeting at 8:50 p.m.

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Following discussion, it was ascertained - by consensus – that language would be added to Resolution No. 03-44 stipulating that existing and to-be-built homes will connect to the City sewer system.

**COMMISSIONER MUELLER/ESCOBAR MOTIONED ACCEPTANCE OF THE NEGATIVE DECLARATION. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLS.**

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 03-43, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT, GPA-01-05: CLAYTON – MERLANO, DESIGNATING 5.19 ACRES LOCATED ON CLAYTON AVENUE SOUTH OF PEEBLES AVENUE AS SINGLE FAMILY LOW RESIDENTIAL , 1 TO 3 DWELLING UNITS TO THE ACRE. THE MOTION WAS SECONDED BY COMMISSIONER ESCOBAR AND CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLS.**

Commissioner Engles returned to the meeting at 8:52 p.m.

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 03-44, RECOMMENDING APPROVAL OF A ZONING AMENDMENT FROM COUNTY A-20 TO CITY R-1 (20,000) SINGLE-FAMILY LOW RESIDENTIAL FOR APPLICATION ZA-01-11: CLAYTON – MERLANO, INCLUDING THE ADDITION OF SECTION 6: THE PLANNING COMMISSION SPECIFIES THAT THE EXISTING HOME WILL BE JOINED TO THE CITY SEWER SYSTEM WHEN FUTURE DEVELOPMENT OCCURS. CHAIR ACEVEDO SECONDED THE MOTION WHICH PASSED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.**

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 03-45, RECOMMENDING APPROVAL OF THE ALTERATION OF THE BOUNDARIES OF THE CITY OF MORGAN HILL BY ANNEXATION THERETO OF CERTAIN TERRITORY DESIGNATED “CLAYTON AVENUE NO. 2” AND WITHDRAWAL OF SAID TERRITORY FROM THE SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT. WITH A SECONDED BY COMMISSIONER ESCOBAR, THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLS, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**6) GPA-03-01/  
SOI-03-04/UGB-03-  
04/USA-03-04/ZA-  
03-05/ANX-03-05:  
MALAGUERRA-  
CITY OF M.H.**

A request to amend the Sphere of Influence, Urban Growth Boundary and Urban Service Area boundary to include three parcels totaling 2.59 acres located on the northerly boundary of the Boy Ranch facility on the north side of Malaguerra Ave. A General Plan land use designation of Open Space and zoning designation of Open Space is proposed for the parcels. Annexation of the parcels is also being requested.

PM Rowe gave the staff report, explaining this action is requested to permit the construction of an additional water tank for the City. This second water tank is included

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in the Capital Improvement Program administered by the Department of Public Works for the City. PM Rowe explained the location of the current and proposed water tanks. The question at hand is whether the water tank property is within the Sphere of Influence of Morgan Hill or San Jose? he said. PM Rowe went on to explain the proposed boundary reorganization which would merge lots 2, 3, 4, and 5 into one lot so that the new water tank will be within the one property and all the property at issue will be in the City instead of three jurisdictions (Morgan Hill, San Jose, and Santa Clara County). The Public Works Department has determined through an environmental study that there is need for increased engineering for the new water tank due to shifting soils in the area. An initial study performed by the Planning Department, however, has established that there will be no significant visual impacts to the City if construction of the new water tank occurs at the proposed site.

Responding to question by the Commissioners, PM Rowe stated that the water tank will be primarily for increased water storage capacity which is needed fire protection for the business park development.

Commissioner Benich said he felt it would be a good idea to ‘rearrange’ the boundaries as PM Rowe described. He asked if this would solidify the placement of the new water tank within the City’s boundaries? [Yes – there is not space at the present location without the boundary adjustment.]

Commissioner Lyle suggested that streamlining the actions by the Commissioners would be beneficial – and asked if all the recommended Resolutions could be offered and voted at once? [Yes]

Commissioner Mueller said that if there is enough land within the newly defined boundaries at that site, space could be designated for the Burrowing Owl habitat. “It may not work with that many trees,” he said, “but it sure would help with the Burrowing Owl habitat plan recently approved by the City Council. One of the best sites currently,” Commissioner Mueller said, “is *near* the water tank on Edmundson so a habitat plan will be developer for that location. If a Biologist would certify this site as well, it will go a long way to meet the acreage needed for the Burrowing Owl habitat plan.”

Chair Acevedo opened the public hearing.

With none present to speak to the matter, the public hearing was closed.

**COMMISSIONER MUELLER OFFERED THE FOLLOWING RESOLUTIONS, WITH THE SECOND MADE BY COMMISSIONER LYLE. THE MOTION CARRIED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT:**

**RESOLUTION NO. 03-46, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT, GPA-03-01: MALAGUERRA – CITY OF MORGAN HILL BOYS RANCH WATER TANK NO 3, DESIGNATING A 1.22 ACRE PARCEL LOCATED ON THE NORTHERLY BOUNDARY OF THE BOYS RANCH FACILITY ON THE NORTH SIDE OF MALAGUERRA AVE., AS OPEN SPACE AND INCLUDING THE AREA WITHIN THE URBAN**

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**GROWTH BOUNDARY.**

**RESOLUTION NO. 03-47, RECOMMENDING APPROVAL OF APPLICATION SOI-03-14: MALAGUERRA – CITY OF MORGAN HILL BOYS RANCH WATER TANK NO 3 ALLOWING FOR THE INCLUSION OF 2.50 ACRESS LOCATED ON THE NORTHERLY BOUNDARY OF THE BOYS RANCH FACILITY ON THE NORTH SIDE OF MALAGUERRA AVE., INTO THE CITY OF MORGAN HILL’S SPHERE OF INFLUENCE.**

**RESOLUTION NO. 03-48, RECOMMENDING APPROVAL OF APPLICATION USA-03-04: MALAGUERRA – CITY OF MORGAN HILL BOYS RANCH WATER TANK NO 3 ALLOWING FOR THE INCLUSION OF 2.59 ACRESS LOCATED ON THE NORTHERLY BOUNDARY OF THE BOYS RANCH FACILITY ON THE NORTH SIDE OF MALAGUERRA AVE., INTO THE CITY’S URBAN SERVICE AREA.**

**RESOLUTION NO. 03-49, RECOMMENDING APPROVAL OF A ZONING AMENDMENT FROM CITY OF SAN JOSE R-1-1 AND COUNTY A-20 TO OPEN SPACE OS, APPLICATION ZA-03-05: MALAGUERRA – CITY OF MORGAN HILL.**

**RESOLUTION NO. 03-50, RECOMMENDING APPROVAL OF THE ALTERATION OF BOUNDARIES OF THE CITY OF MORGAN HILL BY DETACHMENT OF CERTAIN TERRITORY (APN 728-35-05) FROM THE CITY OF SAN JOSE AND ANNEXATION THERETO OF CERTAIN TERRITORY (APN 728-35-03 AND 05) DESIGNATED “JORGENSEN SPRINGS NO 2” AND THE WITHDRAWAL OF SAID TERRITIORY (.80 ACRES – APN 728-35-03) FROM THE SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT.**

Commissioner Weston suggested the installation of a fire hydrant for the Boys Ranch. That matter will be the basis for discussion of Planning staff and Public Works personnel.

PM Rowe said that the new tank will be connected to the existing tank, resulting in double capacity.

**ANNOUNCEMENTS:**

PM Rowe reminded Commissioners of the special meeting called for June 17, 2003 in response to the Measure P appeals returned by the City Council for further consideration. Those are: AP-03-01: E. Dunne-Dempsey, AP-03-02: Barrett-Odisho, and AP-03-03: W. Edmundson-Pinn Brothers. PM Rowe said the meeting will be in the Villas Conference room and that Commissioners Escobar and Engles will be excused due to conflict of interest.

PM Rowe explained that the appeals are of the Planning Commission’s evaluation process, noting that the City Council wants the Planning Commission to address the adjustments and/or new issues that were raised. Some of the consternation revolves around the 1-point the Commissioners reserved for award in the Quality of

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Construction category. The Council members have expressed interest in how that point was scored and awarded. PM Rowe stressed that the tally of the scores will be presented to the Council members for clarification. He further emphasized that the discussion at the special meeting will *only* deal with the scoring adjustments in question, limiting discussion to the appeal items only.

PM Rowe reported that in the matter of the zoning amendment for the PUD for the Horizon Land Development, the City Council continued the matter to their June 18 meeting, providing time for the City Attorney to address several legal points, including traffic safety/test drive routes and lighting issues. He announced that there will be a sign placed on the site for clarity of location.

Commissioner Mueller announced that the Council had accepted the Burrowing Owl Plan.

Commissioner Lyle asked when Commissioners would see the revised Measure P criteria and rules for competition for the fall round? [July 8 or maybe June 24]

Commissioner Benich asked if a post-Measure P study had resulted from the last competition?

Commissioner Lyle said there are two issues which must be dealt with: 1) the criteria for the mini competition and 2) set the criteria for the new Measure P competition.

Commissioner Benich said he would like to see a list of Measure P items to be updated.

PM Rowe announced that at the Commissioner's July 22 meeting, agenda items will be consideration of a General Plan amendment and the Murphy Corridor study results.

**ADJOURNMENT:** There being no further business, Chair Acevedo adjourned the meeting at 9:19 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**JUDI H. JOHNSON, Minutes Clerk**